



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Ricky F. Combest

Serial No.: 09/539,662

Filed: March 30, 2000

For: DYNAMIC VIRTUAL NETWORK
AND METHOD

) Examiner: April L. Baugh

) Group Art Unit: 2141

) Confirmation No.: 8540

) Atty. Docket No.: 114944-00208

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RESPONSE TO RESTRICTION REQUIREMENT

Technology Center 2100

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The present Response is filed in response to the Restriction Requirement mailed January 12, 2004. A Petition for a Three-Month Extension of Time and a Request for Docket Number Change are filed concurrently herewith.

In response to the Restriction Requirement, the Applicant, through undersigned counsel, elects invention I, claims 1-7, 28-47 and 51, directed to the dynamic virtual network. The election is made *with* traverse.

MPEP §803 provides as follows:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present application, the searches for the dynamic virtual network, the network access device for accessing such a network, the method subscribing a prospective member to such a network and the method for presentation of information would involve a substantial overlap. A search for the subject matter of any of inventions I-IV would overlap heavily with a

search for the subject matter of any of the other inventions. Therefore, the Applicant respectfully submits that any burden in the search and examination of the entire application, as opposed to a single one of inventions I-IV, would be *de minimis*. In particular, that burden is to be compared with the financial burden on the Applicant involved in filing and prosecuting three divisional applications.

As further evidence that the four inventions are searchable together without serious burden, the Applicant respectfully notes that an Office Action on the merits has previously been issued with regard to the present claims.

For the reasons set forth above, the Applicant respectfully submits that the present restriction requirement is improper and respectfully requests that it be reconsidered and withdrawn.

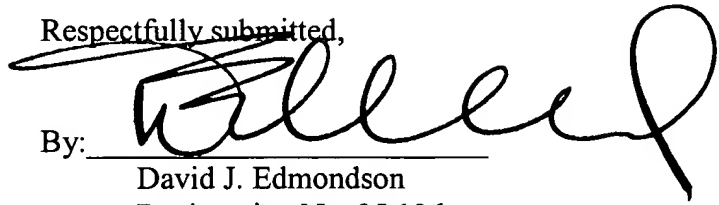
The present traversal should not be construed as an admission that the four inventions are not patentably distinct. In the event that the restriction requirement is maintained, the Applicant reserves the full protection of 35 U.S.C. §121 against double-patenting rejections.

If there remain any outstanding issues that can most easily be overcome through a telephone communication, the Examiner is invited to telephone the undersigned attorney at the telephone number set forth below, so that prosecution of the above-captioned application can be expedited.

Please charge any shortage of fees or credit any overpayment thereof to BLANK ROME LLP, Deposit Account No. 23-2185 (114944-00208). In the event that a separate Petition for an Extension of Time is required to render this submission timely and either does not accompany this Response or is insufficient to render this Response timely, the Applicant herewith petitions

under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,



By: _____
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